

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LLOYD THOMAS RIDER, III,

Defendant.

CR 11-69-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Lloyd Thomas Rider, III (Rider) has been accused of violating the conditions of his supervised release. Rider admitted all of the alleged violations, except alleged violations 1, 4 and 5. The government did not attempt to prove alleged violations 1 and 4. The government satisfied its burden of proof with respect to alleged violation 5. Rider's supervised release should be revoked. Rider should be placed in custody for 9 months, with 18 months of supervised release to follow.

**II. Status**

Rider pleaded guilty to Assault with a Dangerous Weapon on November 23, 2011. (Doc. 30). The Court sentenced Rider to 37 months of

custody, followed by 3 years of supervised release. (Doc. 37). Rider's current term of supervised release began on June 21, 2019. (Doc. 70 at 2).

### **Petition**

The United States Probation Office filed a Petition requesting that the Court revoke Rider's supervised release on September 10, 2019. (Doc. 70). The Petition alleges that Rider violated the conditions of his supervised release: 1) by committing another crime; 2) by consuming alcohol; 3) by using methamphetamine; 4) by using a controlled substance; and 5) by knowingly communicating with a person convicted of a felony without first obtaining the permission of his probation officer. (Doc. 62 at 2-3). United States District Judge Brian Morris issued a warrant for Rider's arrest on September 10, 2019. (Doc. 71).

### **Initial appearance**

Rider appeared before Judge Morris for his initial appearance on September 16, 2019. Rider was represented by counsel. Rider stated that he had read the petition and that he understood the allegations. Rider waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a joint revocation hearing in this case and in Cause CR 15-68-GF-BMM on October 3, 2019. Rider admitted that he had violated the conditions of his supervised release: 1) by consuming alcohol; and 2) by using methamphetamine. The government did not attempt to prove alleged violations 1 and 4. The government satisfied its burden of proof with respect to alleged violation 5. The violations that Rider admitted and that the government proved are serious and warrant revocation of Rider's supervised release.

Rider's violations are Grade C violations. Rider's criminal history category is III. Rider's underlying offense is a Class C felony. Rider could be incarcerated for up to 24 months. He could be ordered to remain on supervised release for up to 27 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 5 to 11 months in Cause CR 11-69-GF-BMM, and a term of custody of 5 to 11 months in Cause CR 15-68-GF-BMM.

### **III. Analysis**

Rider's supervised release should be revoked. Rider should be incarcerated for 9 months, with 18 months of supervised release to follow. The supervised release conditions imposed previously should be continued. This sentence is sufficient but not greater than necessary.

#### **IV. Conclusion**

The Court informed Rider that the above sentence would be recommended to Judge Morris. The Court also informed Rider of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Rider that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS:**

That Lloyd Thomas Rider, III violated the conditions of his supervised release by consuming alcohol, by using methamphetamine, and by knowingly communicating with a person convicted of a felony without first obtaining the permission of his probation officer.

The Court **RECOMMENDS:**

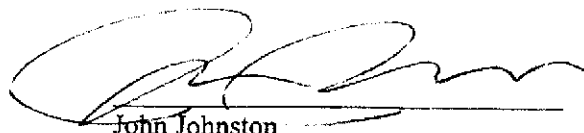
That the District Court revoke Rider's supervised release and commit Rider to the custody of the United States Bureau of Prisons for a term of imprisonment of 9 months, with 18 months of supervised release to follow. The sentence imposed in this case should run concurrent with the sentence imposed in Cause CR 15-68-GF-BMM.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO  
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of

Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge, and may waive the right to appear and allocute before a district judge.

DATED this 4th day of October, 2019.



John Johnston  
United States Magistrate Judge